

THE REVISED SCHOOL CODE (EXCERPT)
Act 451 of 1976

380.1280f Grade 3; English language arts proficiency; assessment; duties of school district or public school academy board; dyslexia screening; pupils exhibiting reading deficiency; reading intervention programs; summer reading camps; limitation; staffing plan; federal funds; English language learners; additional intervention services; definitions.

Sec. 1280f.

(1) The department shall do all of the following to help ensure that more pupils will achieve a score of at least proficient in English language arts on the grade 3 state assessment:

(a) Subject to subsection (4) and subject to the availability of valid and reliable assessments, approve 3 or more valid and reliable screening and progress-monitoring reading assessments for selection and use by school districts and public school academies in accordance with the following:

(i) Each approved assessment must provide a screening assessment and monitoring capabilities for monitoring progress toward a growth target.

(ii) In determining which assessments to approve for use by school districts and public school academies, the department shall also consider at least the following factors:

(A) The time required to conduct the assessments, with the intention of minimizing the impact on instructional time.

(B) The level of integration of assessment results with instructional support for teachers and pupils.

(C) The timeliness in reporting assessment results to teachers, administrators, and parents.

(D) The degree of compatibility with other approved statewide assessment measures, to minimize the impact on instructional time.

(b) Recommend or develop a literacy coach model with the following features:

(i) Except as otherwise provided in this section, district-identified literacy coaches shall support teachers to use what was taught during initial professional development in all of the following:

(A) Providing instruction meeting the criteria listed in subsection (10)(a)(iv) as needed, based on an analysis of pupil performance data.

(B) Administering, scoring, and interpreting assessments under this section with fidelity.

(C) Providing differentiated instruction and intensive intervention, including, but not limited to, methods to intensify instructional interventions for decoding and word recognition.

(D) Using data diagnostically to adjust intervention instruction and to understand reasons why a pupil may not be responding to intervention instruction as expected.

(E) Using progress monitoring.

(F) Identifying and addressing reading deficiency.

(G) Using evidence-based instructional methods and the features of evidence-based interventions for pupils who experience difficulties with decoding and word recognition.

(H) The professional learning requirements under subsection (7), as appropriate.

(I) The appropriate use of statewide professional learning tools and evidence-based practices that meet the research requirements consistent with the science of reading.

(ii) Except as otherwise provided in this section, district-identified literacy coaches shall also do all of the following:

(A) Model evidence-based instructional strategies for teachers.

(B) Facilitate study groups.

(C) Advise in developing schoolwide and classroom infrastructure to meet the collective and individual needs of pupils using a multi-tiered system of support (MTSS).

(D) Train teachers and school staff in data analysis and using data to differentiate instruction.

(E) Coach and mentor colleagues.

(F) Work with teachers to ensure that evidence-based reading curriculum resources such as comprehensive core reading curriculum resources and reading intervention programs are implemented with fidelity.

(G) Train teachers and school staff to identify and address reading deficiency.

(H) Work with teachers in applying evidence-based reading strategies in other content areas, including, but not limited to, prioritizing time spent on those teachers, activities, and roles that will have the greatest impact on pupil achievement and prioritizing coaching and mentoring in classrooms.

(I) Help to increase instructional density to meet the needs of all pupils.

(J) Help lead and support reading leadership teams at the school.

(K) Continue to increase the district-identified literacy coach's knowledge base in best practices in reading instruction and intervention that are supported by the research requirements consistent with the science of reading.

(L) For each teacher who teaches in a classroom for grades K to 3 and for each teacher whose classroom includes a pupil with an individual reading improvement plan, model for the teacher, and coach the teacher in, instruction with pupils in whole and small groups.

(iii) In the context of performing the functions described in subparagraph (ii), a district-identified literacy coach must not be asked to perform administrative functions that will confuse the district-identified literacy coach's role for a teacher's role.

(iv) District-identified literacy coaches must meet all of the following:

(A) Have experience as a successful classroom teacher.

(B) Have sufficient knowledge of scientifically based reading research, special expertise in quality reading instruction and infusing reading strategies into content area instruction, and data management skills.

(C) Have a strong knowledge base in working with adults.

(D) Have a minimum of a bachelor's degree and advanced coursework in reading or have completed professional development in evidence-based literacy instructional strategies.

(E) By the beginning of the 2027-2028 school year, meet the professional learning requirements under subsection (7).

(v) A district-identified literacy coach must not be assigned a regular classroom teaching assignment, but is expected to work frequently with pupils in whole and small group intervention instruction by modeling and coaching in or outside of teachers' classrooms.

(c) By the beginning of the 2027-2028 school year, provide technical assistance to school districts, intermediate school districts, public school academies, and the schools operated by the school districts, intermediate school districts, and public school academies to aid the school districts, intermediate school districts, public school academies, and the schools operated by the school districts, intermediate school districts, and public school academies in reporting information contained in a pupil's individual reading improvement plan.

(2) Beginning not later than September 1, 2025, the department shall develop dyslexia expertise to provide technical assistance to school districts, intermediate school districts, and public school academies regarding dyslexia and underlying factors that place pupils at risk for difficulties in learning to decode accurately and efficiently. The department shall offer expertise under this subsection by providing guidance on at least both of the following:

(a) Structured literacy.

(b) Professional learning about dyslexia to school districts, intermediate school districts, and public school academies.

(3) To support the implementation of the requirements under this section, the department, based on current research, shall regularly review and update the Michigan Dyslexia Handbook or a similar publicly available dyslexia resource guide that includes information regarding the education of pupils with dyslexia or characteristics of dyslexia, to be used by school districts, intermediate school districts, and public school academies. Reviews and updates under this subsection must be conducted at an interval not to exceed 5 years.

(4) By not later than January 1, 2026, the department shall provide a list of approved valid and reliable screening and progress monitoring reading assessments for selection and use by school districts and public school academies under subsection (1) and, in addition to meeting applicable requirements under subsection (1), identify, within each approved assessment for selection and use by school districts and public school academies under subsection (1), a list of the elements of a reliable and valid universal screening assessment for the purpose of identifying pupils with characteristics of dyslexia or difficulties in learning to decode accurately and efficiently that are or are not included in the approved assessment. Beginning not later than September 1, 2026, the department shall develop dyslexia expertise to provide technical assistance to school districts, intermediate school districts, and public school academies regarding the appropriate selection and use at each grade level of reliable and valid universal screening assessments for the identification of pupils who exhibit characteristics of dyslexia and pupils who display difficulties in learning to decode accurately and efficiently, including those described in subsection (1), to minimize the impact on instructional time.

(5) By not later than January 1, 2026, the department shall publish a list of evidence-based tier 1, class-wide elementary reading curricula and materials that are aligned with science of reading methods that research has shown to improve literacy outcomes and help pupils achieve reading proficiency. The department shall develop dyslexia expertise to provide technical assistance to school districts, intermediate school districts, and public school academies regarding evidence-based instructional methods and the features of evidence-based interventions for pupils exhibiting the characteristics of dyslexia or pupils who have difficulties in learning to decode accurately and efficiently that include instructional methods and curriculum resources that use a code emphasis approach to address the decoding and word-recognition components of reading and that are supported by the science of reading. Except as otherwise provided in this section, the instructional methods and curriculum resources described in this subsection must not include instructional methods or curriculum resources that minimize the importance of primarily using letter-sound information to decode or recognize unknown words, including, but not limited to, any of the uses of letter-sound information described in subsection (23)(c)(iii)(A) to (E), unless such instructional methods and curriculum resources are being used to confirm the meaning of unknown words after decoding has been attempted.

(6) By not later than August 1, 2027, each school district, intermediate school district, and public school academy shall update its selection of a valid and reliable screening and progress-monitoring reading assessment under subsection (9) to ensure that the selected system includes a reliable and valid universal screening assessment in accordance with subsection (4) and the guidance provided by the department under subsection (4), if it does not do so already. In complying with this subsection, a school district, intermediate school district, or public school academy shall minimize the impact on instructional time by selecting approved assessments that include elements fulfilling multiple assessment requirements as described in subsection (18), or, when appropriate, by adding approved assessment measures or combining compatible approved assessments that, when utilized together, include all of the elements of a reliable and valid universal screening assessment.

(7) By not later than the beginning of the 2027-2028 school year, each school district, intermediate school district, and public school academy shall provide assurance to the department that all literacy consultants, literacy coaches, and other personnel providing reading intervention or reading instruction to grades K to 12 pupils in the school district, intermediate school district, or public school academy received professional learning, as determined by the department, regarding all of the following:

(a) The characteristics of dyslexia and underlying factors that place pupils at risk for difficulties in learning to decode accurately and efficiently.

(b) Secondary consequences of dyslexia, such as problems in reading comprehension and a reduced reading experience that can impede the growth of vocabulary and background knowledge and lead to social, emotional, and behavioral difficulties.

(c) Instructional adjustments for pupils with dyslexia and instructional adjustments to address the underlying factors that place pupils at risk for difficulties in learning to decode accurately and efficiently.

(d) Methods to develop schoolwide and classroom infrastructure to meet the collective and individual needs of pupils using a multi-tiered system of support (MTSS).

(e) Evidence-based instructional methods and features of evidence-based interventions that are grounded in the science of reading and principles of structured literacy that are designed for pupils with characteristics of dyslexia and pupils at risk for difficulties in learning to decode accurately and efficiently.

(f) Evidence-based instructional methods and features of evidence-based interventions that are grounded in the science of reading and principles of structured literacy that are designed to effectively meet the needs of most pupils.

(8) The completion of a program of study approved under section 1531e fulfills the requirements of subsection (7).

(9) Subject to subsection (28), a school district or public school academy shall do all of the following to ensure that more pupils will achieve a score of at least proficient in English language arts on the grade 3 state assessment:

(a) Select 1 valid and reliable screening and 1 progress-monitoring reading assessment from the assessments approved by the department under subsection (1)(a). A school district or public school academy shall use these assessments for pupils in grades K to 3 to screen and identify difficulties, inform instruction and intervention needs, and assess progress toward a growth target. A school district or public school academy periodically shall assess a pupil's progress in reading skills at least 3 times per school year in grades K to 3. The first of these assessments for a school year in kindergarten must be conducted within the first 90 school days of the school year. The first of these assessments for a school year in grades 1 to 3 must be conducted within the first 30 school days of the school year. Beginning in the 2027-2028 school year, screening of pupils in grades K to 3 under this subdivision must meet the requirements in subsections (15), (16), (17), (19), and (20).

(b) For any pupil in grades K to 3 who exhibits reading deficiency at any time based on the reading assessment selected and used under subdivision (a) and for pupils required to have a reading intervention plan under this section, provide an individual reading improvement plan for the pupil within 30 days after the identification of the reading deficiency. The individual reading improvement plan must be created by the pupil's teacher, school principal, and parent or legal guardian and other pertinent school personnel, and must describe the reading intervention services the pupil will receive to remedy the reading deficiency. A school district or public school academy shall provide reading intervention for the pupil in accordance with the individual reading improvement plan until the pupil no longer has a reading deficiency.

(c) If a pupil in grades K to 3 is identified as having an early literacy delay or reading deficiency, provide written notice to the pupil's parent or legal guardian of the delay or reading deficiency in writing and provide tools to assist the parent or legal guardian to engage in intervention and to address or correct any reading deficiency at home.

(d) Require a school principal or chief administrator to do all of the following:

(i) For a teacher in grades K to 3, target specific areas of professional development based on the reading development needs data for incoming pupils.

(ii) Differentiate and intensify professional development for teachers based on data gathered by monitoring teacher progress in improving pupil proficiency rates among their pupils.

(iii) Establish a collaborative system within the school to improve reading proficiency rates in grades K to 3.

(iv) Ensure that time is provided for teachers to meet for professional development.

(e) Utilize early literacy coaches provided through the intermediate school district in which the school district or

public school academy is located, as provided for under section 35a(4) of the state school aid act of 1979, MCL 388.1635a. However, a public school academy may use a literacy coach provided by the public school academy, at the expense of the public school academy, rather than using a literacy coach provided through an intermediate school district if the literacy coach and the usage of the literacy coach otherwise meet the requirements of this section.

(10) Subject to subsection (28), a school district or public school academy shall provide reading intervention for pupils in grades K to 3, pupils in any grade required to have a reading improvement plan under subsection (23), and pupils required to have a reading intervention plan under subsection (24), including at least all of the following, as applicable:

(a) For pupils who exhibit a reading deficiency, a reading intervention using intervention curriculum resources and evidence-based practices aligned to the research requirements consistent with the science of reading intended to ensure that pupils are proficient readers by the end of grade 3 and that includes some or all of the following features:

(i) Is provided to each pupil who is identified with a reading deficiency based on screening and other assessments that are used to identify the source of the reading difficulty, and identifies and addresses the pupil's reading deficiency.

(ii) Periodically screens each pupil's reading skills at least 3 times per year and monitors the progress of each pupil's reading skills as recommended by the progress-monitoring assessment guidelines provided under subsection (4).

(iii) Provides evidence-based tier 1, class-wide reading instruction that is comprehensive and meets the majority of the general education classroom needs.

(iv) Provides reading intervention that meets, at a minimum, the following specifications:

(A) Assists pupils exhibiting a reading deficiency in developing the ability to read at grade level.

(B) Provides intensive development in evidence-based reading instructional practices, including, but not limited to, phonemic awareness, phonics, fluency, vocabulary, comprehension, and other skills or processes consistent with structured literacy.

(C) Provides extensive explicit instruction consistent with structured literacy in decoding, word recognition, spelling, writing, and language comprehension skills, including vocabulary, morphology, and syntax, and processes for skillful reading.

(D) Is systematic and explicit.

(E) Is implemented during regular school hours in addition to regular classroom reading instruction.

(v) Provides parents, legal guardians, or other providers of care for the pupil with a read-at-home plan, including parent, guardian, or care provider training workshops and regular home reading.

(vi) Documents efforts by the pupil's school to engage the pupil's parent or legal guardian and whether those efforts were successful.

(vii) Documents any dissenting opinions expressed by school personnel or a parent or legal guardian concerning the individual reading improvement plan provided for the pupil under subsection (9)(b).

(b) For grade 3 pupils exhibiting a reading deficiency as determined by the pupil's teacher through the screening assessment and other assessments selected by the school district or public school academy under subsection (9)(a) and for pupils in grades K to 12 who are receiving increasingly intensive tier 2 and tier 3 support as described in subsection (23)(g), a reading intervention program intended to correct the identified area or areas of reading deficiency and that includes all of the following features as needed by the individual pupil:

(i) Is evidence-based, is consistent with structured literacy, and has proven results in accelerating pupil reading achievement within the same school year.

(ii) Provides more dedicated time than the pupil's previous school year in evidence-based reading instruction and intervention.

(iii) Provides daily targeted small group or 1-to-1 reading intervention based on pupil needs as determined by assessment data, including explicit and systematic instruction with more detailed and varied explanations, modeling and examples, and more extensive opportunities for guided practice incorporating error correction and feedback for pupils to develop mastery.

(iv) Provides administration of ongoing progress monitoring assessments to frequently monitor pupil progress.

(v) Provides a written description of the pupil's individual reading intervention program in the pupil's individual reading improvement plan, including at least all of the following:

(A) Quarterly and annual learning goals that describe how and when the pupil is expected to progress from the pupil's current reading proficiency level to grade level proficiency.

(B) The name, if any, type, content, frequency, and duration of evidence-based interventions, curriculum resources, and assessments that will be utilized, and the extent to which these conform to best practices identified by the department for addressing the pupil's specific identified reading difficulties.

(C) A summary of why the intervention resources and evidence-based practices selected for the pupil's individual reading intervention are best suited to address the pupil's particular needs.

(D) A description of the assessment data and the pupil's assessment scores that will be used to monitor the pupil's

progress under subparagraph (iv) and adaptations to the intervention instruction that will be provided based on feedback from the assessments.

(E) Information about adjustments that may be made to intensify the intervention instruction as needed.

(F) The pupil's unique identifier.

(G) A date by which the pupil's teacher, school principal, parent or legal guardian, and other appropriate school staff shall annually review and update the pupil's individual reading improvement plan, including reviewing if the learning goals have been met or when the learning goals will be met.

(vi) Is administered with fidelity.

(vii) Provides supplemental evidence-based reading intervention delivered by a teacher, tutor, or volunteer with specialized reading training that is provided before school, after school, during school hours but outside of regular English language arts classroom time, or any combination of these.

(viii) Provides parents, legal guardians, or other providers of care for a pupil with a read-at-home plan, including parent, guardian, or care provider training workshops and regular home reading.

(ix) Documents efforts by the pupil's school to engage the pupil's parent or legal guardian and whether those efforts were successful.

(x) Documents any dissenting opinions expressed by school personnel or a parent or legal guardian concerning the individual reading improvement plan provided for the pupil under subsection (9)(b).

(c) Subject to subsection (29), for pupils who are English language learners and who have been identified as demonstrating characteristics of dyslexia or difficulty decoding by an appropriate screening assessment administered under subsection (20) or (21) that is consistent with department guidance provided under subsection (4) to distinguish characteristics of dyslexia from limited English proficiency, intervention services that include at least all of the following:

(i) Language support in word recognition and decoding.

(ii) Language comprehension skills to support expanding vocabulary and understanding text.

(iii) Intentional English language development that includes, but is not limited to, using only the words and text to teach decoding and word recognition.

(iv) Instruction meeting the criteria listed in subdivision (a)(iv).

(11) For all pupils exhibiting a reading deficiency as determined by the pupil's teacher through the reading assessment selected by the school district or public school academy under subsection (9)(a), school districts and public school academies are encouraged to offer summer reading camps staffed with effective teachers of reading, as determined by the teacher evaluation system under section 1249, providing reading intervention services and supports to correct pupils' identified areas of reading deficiency.

(12) By July 31 of each year, the department shall notify the parent or legal guardian of a pupil completing grade 3 who scored not proficient in reading based on the state English language arts assessment of all of the following by certified mail and in a clear format:

(a) That the pupil has scored not proficient in reading based on the state English language arts assessment.

(b) That the school is required to provide the pupil with the supports described in subsection (13).

(c) The supports and interventions required to be made available to the pupil under the laws of this state.

(d) That the parent or legal guardian has the right to request a meeting with school officials to discuss supports and interventions.

(13) Except as otherwise provided in this section, for a pupil who has a reading deficiency based on the screening assessment, the school district or public school academy shall provide a reading intervention that is intended to correct the pupil's specific reading deficiency, as identified by a valid and reliable assessment. The intervention must include evidence-based instructional strategies that are aligned to the research requirements consistent with the science of reading to assist the pupil in becoming a successful reader.

(14) A school district or public school academy shall provide a copy of each pupil's individual reading improvement plan to the school district's intermediate school district or the intermediate school district that has geographic boundaries that include the area in which the public school academy is located. A copy of a pupil's individual reading improvement plan provided under this subsection must not contain any identifying information regarding the pupil or a teacher that provides instruction to the pupil. The intermediate school district shall collate the information received under this subsection and provide it to the department each school year in a timeline and manner as determined by the department. The department shall not share a pupil's individual reading improvement plan with an outside vendor.

(15) By not later than the beginning of the 2027-2028 school year, and each school year thereafter, subject to subsections (17) and (20), a school district, an intermediate school district, or a public school academy shall ensure that each pupil described in this subsection is screened for characteristics of dyslexia and difficulties in learning to decode accurately and efficiently using a reliable and valid universal screening assessment. All of the following pupils enrolled in the school district, intermediate school district, or public school academy must be screened as described under this subsection:

(a) Each pupil during kindergarten, grade 1, grade 2, and grade 3.

(b) Each pupil who is in kindergarten, grade 1, grade 2, or grade 3 who transferred to the school district,

intermediate school district, or public school academy from another school district, intermediate school district, or public school academy in this state and who has not been screened for characteristics of dyslexia and difficulties in learning to decode accurately and efficiently using a reliable and valid universal screening assessment.

(c) Each pupil who is in kindergarten, grade 1, grade 2, or grade 3 who has transferred to the school district, intermediate school district, or public school academy from a school that is not located in this state, unless the pupil presents written documentation to the school district, intermediate school district, or public school academy showing that the pupil was subject to a reliable and valid universal screening assessment.

(d) Each pupil who is in any of grades 4 to 12 who, as determined by that pupil's teacher, educational-support staff, or the pupil's parent or legal guardian, demonstrates any of the following:

- (i) Escape or avoidance behaviors when asked to engage in reading or writing activities.
- (ii) Effortful or laborious reading.
- (iii) Reading-comprehension difficulties caused by inaccurate or inefficient word reading.
- (iv) Significant spelling or encoding difficulties not caused by fine-motor or visual-motor difficulties.
- (v) Low performance on school-district-, intermediate-school-district-, or public-school-academy-approved English language arts standards.
- (vi) Low performance on school-district-, intermediate-school-district-, or public-school-academy-approved standardized assessments.
- (vii) Reading deficiency.

(16) A school district, intermediate school district, or public school academy shall screen pupils under subsection (15) with fidelity.

(17) Pupils required to be screened under subsection (15)(a) must be screened, as described in subsection (15), no fewer than 3 times during a school year. Pupils required to be screened under subsection (15)(b) or (c) must be screened within 90 days of enrollment and thereafter on the same screening schedule as other pupils in the same grade level.

(18) If the department determines that a benchmark assessment or a valid and reliable screening and progress-monitoring reading assessment suite selected by a school district or public school academy under subsection (9) includes a reliable and valid universal screening assessment, that assessment or assessment system selected under subsection (9) may be utilized to meet the requirement under subsection (15).

(19) Beginning with the 2027-2028 school year, for a pupil described in subsection (15)(d), the school district, intermediate school district, or public school academy in which the pupil is enrolled shall ensure that additional assessment data is gathered, including the pupil's historical results on reliable and valid universal screening assessments as available, and shall review this data with the pupil's teacher and school staff to inform the frequency of screening assessments that should be administered to the pupil to avoid unnecessary assessment while effectively assessing whether the pupil demonstrates characteristics of dyslexia, difficulties in learning to decode, or difficulties with word reading that may require an intervention placement for the pupil based on the guidance provided by the department under subsection (5).

(20) Beginning in the 2027-2028 school year, except as otherwise provided in this subsection, a pupil who is an English language learner and who has been assessed at an entering level or beginning level of English language proficiency on a state-required language proficiency assessment, or at a comparable level in accordance with department guidance under subsection (2), is not required to be screened for characteristics of dyslexia and difficulties in learning to decode under subsection (15). However, the pupil is required to be screened for characteristics of dyslexia and difficulties in learning to decode under subsection (15) if, in accordance with the department guidance under subsection (4), school staff determine that the pupil appears to demonstrate characteristics of dyslexia that are not due to language transference or limited English proficiency.

(21) Beginning in the 2027-2028 school year, a pupil who is an English language learner and who has been assessed at a developing level or higher on a state-required language proficiency assessment, or at a comparable level in accordance with department guidance under subsection (4), must be screened for characteristics of dyslexia and difficulty decoding as appropriate for the pupil's grade level under subsection (15), and, as appropriate and consistent with department guidance, the pupil's screening must include spelling skills, phonemic awareness in the pupil's native language, and oral reading fluency in the pupil's native language.

(22) Beginning with the 2027-2028 school year, school districts, intermediate school districts, and public school academies shall ensure that reading instruction and curriculum materials are evidence-based, with a focus on pupils' mastery of the foundational reading skills of phonemic awareness, phonics, fluency, and the development of other reading skills, including, but not limited to, development of oral language, vocabulary, and reading comprehension. Pupils must be provided instruction aligned with science of reading methods that research shows improve literacy outcomes and help pupils achieve reading proficiency.

(23) Beginning with the 2027-2028 school year, if a reliable and valid universal screening assessment indicates that a pupil is exhibiting characteristics of dyslexia or indicates that the pupil is experiencing difficulty in learning to decode accurately and efficiently, the school district, intermediate school district, or public school academy in which the pupil is enrolled shall ensure that a multi-tiered system of support (MTSS) is provided to the pupil, including, but not limited to, decoding and word recognition instruction in the tiered delivery system. Beginning

with the 2027-2028 school year, if a reliable and valid universal screening assessment indicates that a pupil is exhibiting characteristics of dyslexia or indicates that the pupil is experiencing difficulty in learning to decode accurately and efficiently, a reading intervention program provided under this section must be part of a multi-tiered system of support (MTSS). The multi-tiered system of support (MTSS) described in this subsection must meet all of the following:

(a) Be a comprehensive framework composed of a collection of evidence-based strategies designed to meet the individual needs and assets of the whole pupil at all achievement levels.

(b) Include 3 distinct tiers of instructional support.

(c) Tier 1 support of the 3 distinct tiers of instructional support described in subdivision (b) must, at a minimum, meet all of the following:

(i) Encompass a combination of evidence-based strategies that are available to all learners.

(ii) Effectively meet the needs of most pupils.

(iii) For the instructional methods and curriculum resources under this tier used to address the decoding and word-recognition components of reading, use a code emphasis instructional approach and be supported by the science of reading. Except as otherwise provided in this section, the instructional methods and curriculum resources described in this subparagraph must not include instructional methods or curriculum resources that minimize the importance of primarily using letter-sound information to decode or recognize unknown words, including, but not limited to, any of the following, unless such instructional methods and curriculum resources are being used to confirm the meaning of unknown words after decoding has been attempted:

(A) Prompting pupils to guess unknown words using pictures and illustrations.

(B) Skipping over an unknown word or words to use the meaning of the passage to recognize the unknown word or words.

(C) Identifying only the first sound of an unknown word and then being prompted to guess the word using the word's initial sound and the meaning of the text surrounding the word.

(D) Memorizing a word in its written form.

(E) Using predictable text and leveled text to provide initial word recognition instruction and practice in reading new learned letter-sound correspondences.

(d) Tier 2 support of the 3 distinct tiers of instructional support described in subdivision (b) must be provided to small groups of pupils to whom at least 1 of the following applies:

(i) Screening-assessment data indicate a need for intervention to address difficulties in learning to decode and recognizing words accurately and efficiently.

(ii) Tier 1 instructional data indicate a need for intervention to address difficulties in learning to decode and recognizing words.

(e) Provide that tier 2 support, as described in subdivision (d), must include instructional methods and curriculum resources that use a code emphasis approach to address the decoding and word-recognition components of reading and that are supported by the science of reading. The instructional methods and curriculum resources described in this subdivision must include, but are not limited to, specialized instructional procedures, duration, and frequency. However, these instructional methods and curriculum resources must not include instructional methods or curriculum resources that minimize the importance of primarily using letter-sound information to decode or recognize unknown words, including, but not limited to, any of the uses of letter-sound information described in subdivision (c)(iii)(A) to (E), unless such instructional methods and curriculum resources are being used to confirm the meaning of unknown words after decoding has been attempted.

(f) Provide that pupils receiving intervention consisting of tier 2 support, as described in subdivision (d), must have their progress monitored by the individuals providing the intervention instruction using appropriate assessments to determine the pupils' response to intervention instruction.

(g) Provide that, if pupils who are receiving intervention at the tier 2 level of support as described in this subsection are not making measurable progress in response to reading intervention at a rate that will result in meaningful improvements in performance, intensive tier 3 support must be provided to the pupil using evidence-based instructional adaptations that must be documented in the pupil's individual reading improvement plan. If the pupil is determined to have a specific learning disability in reading, these interventions may be provided through the student's individualized education plan.

(h) Provide that a pupil described in subdivision (g) has a current individual reading intervention plan meeting the requirements of subsection (10)(b).

(i) Provide that, for the purposes of subdivision (g), an intervention response team at the school district, intermediate school district, or public school academy in which a pupil described in subdivision (g) is enrolled shall refine the pupil's individual reading improvement plan with the teacher providing the intervention instruction to the pupil under subdivision (g) to meaningfully accelerate reading outcomes.

(j) Provide that, if a pupil's response to the intervention instruction described in subdivisions (a) to (g) or subsection (10) is insufficient and there is reason to suspect the pupil has a disability, subject to state and federal laws concerning special education, the school district, intermediate school district, or public school academy must consider the need for a full and comprehensive evaluation to determine eligibility for special education services.

(24) Beginning with the 2027-2028 school year, if a reliable and valid universal screening assessment indicates the need for intervention, to the extent that the school district, intermediate school district, or public school academy is not already providing the pupil with the evidence-based intervention services described in subsections (10) and (23), the school district, intermediate school district, or public school academy in which the pupil is enrolled shall provide the pupil with evidence-based intervention services that are grounded in the science of reading and the principles of structured literacy approaches or programs.

(25) A school district, an intermediate school district, or a public school academy shall ensure that the necessary accommodations or equipment are provided to pupils as required under section 504 of title V of the rehabilitation act of 1973, 29 USC 794, and title II of the Americans with disabilities act of 1990, 42 USC 12131 to 12165.

(26) If the parent or legal guardian of a pupil has an independent, comprehensive evaluation conducted for dyslexia or other learning disabilities, the school district, intermediate school district, or public school academy in which the pupil is enrolled shall ensure that any applicable requirements under the individuals with disabilities education act, Public Law 108-446, are fulfilled.

(27) If a school district or public school academy cannot furnish the number of teachers needed to satisfy 1 or more of the criteria set forth in this section for a school year, then by the August 15 before the beginning of that school year the school district or public school academy shall develop a staffing plan for providing services under this section. The school district or public school academy shall post the staffing plan on its website for the applicable school year. The staffing plan must include at least all of the following:

(a) A description of the criteria that will be used to assign a pupil who has been identified as not proficient in English language arts to a teacher.

(b) The credentials or training held by teachers currently teaching at the school.

(c) How the school district or public school academy will meet the requirements under this section.

(28) This section does not require or state an intention to require a school district or public school academy to supplant state funds with federal funds for implementing or supporting the activities under this section and does not prohibit a school district or public school academy from continuing to use federal funds for any of the purposes or activities described in this section.

(29) For pupils identified as English language learners by the pupil's teacher or other school staff or by a state-required language proficiency assessment, if available staff resources allow, a school district or public school academy is encouraged to provide the following intervention services in addition to those required under subsection (10)(c):

(a) Instruction in the pupil's native language, with withdrawal of that instruction as appropriate as the pupil improves the pupil's English language skills. A school district or public school academy is encouraged to provide this support for at least pupils whose native language is Spanish, Chinese, Hindi, Korean, or Arabic.

(b) Opportunities for speech production.

(c) Common English language development strategies such as modeling, guided practice, and comprehensive input.

(d) Feedback for the pupil, including explanations in the pupil's native language.

(30) An individual who is not a district-identified literacy coach may be utilized to meet the requirements under subsection (1)(b)(i) and (ii) if that individual meets the requirements that a district-identified literacy coach must meet under subsection (1)(b)(iv).

(31) The instructional methods and curriculum resources described in subsection (23)(c)(iii)(A) to (E) may be used, as appropriate, for purposes other than addressing decoding and word-recognition components of reading and for any purpose to comply with section 504 of title V of the rehabilitation act of 1973, 29 USC 794, or title II of the Americans with disabilities act of 1990, 42 USC 12131 to 12165.

(32) As used in this section:

(a) "Benchmark assessment" means an assessment administered periodically throughout a school year and used for 1 or more of the following purposes:

(i) To predict and identify learner readiness for success on a later summative assessment.

(ii) To evaluate ongoing education programs and interventions.

(iii) To provide teachers with individual learners' performance data to inform instruction.

(b) "CEPI" means the center for educational performance and information created under section 94a of the state school aid act of 1979, MCL 388.1694a.

(c) "Cloze reading procedure" means an objective reading assessment that deletes words in a designed reading passage.

(d) "Code emphasis" means direct, explicit instruction on the code system of written English at the sound, syllable, morpheme, and word level so pupils develop automaticity in accurate sound-symbol associations used for word recognition and for developing a robust sight-word vocabulary.

(e) "Cumulative" means the practice of basing new concepts on those previously learned and maximizing retention of concepts through regular, systematic review to gain automaticity and fluency.

(f) "Diagnostic instruction" means continuous assessment and individualization of instruction to meet each pupil's instructional needs.

- (g) "Dyslexia" means both of the following:
- (i) A specific learning disorder that is neurobiological in origin and characterized by difficulties with accurate or fluent word recognition and by poor spelling and decoding abilities that typically result from a deficit in the phonological component of language that is often unexpected in relation to other cognitive abilities and the provision of effective classroom instruction.
 - (ii) A specific learning disorder that may include secondary consequences, such as problems in reading comprehension and a reduced reading experience that can impede the growth of vocabulary and lead to social, emotional, and behavioral difficulties.
- (h) "Evidence-based" means an activity, program, process, service, strategy, or intervention that demonstrates statistically significant effects on improving pupil outcomes or other relevant outcomes and that meets at least both of the following:
- (i) At least 1 of the following:
 - (A) Is based on strong evidence from at least 1 well-designed and well-implemented experimental study.
 - (B) Is based on moderate evidence from at least 1 well-designed and well-implemented quasi-experimental study.
 - (C) Is based on promising evidence from at least 1 well-designed and well-implemented correlational study with statistical controls for selection bias.
 - (D) Demonstrates a rationale based on high-quality research findings or positive evaluation that the activity, program, process, service, strategy, or intervention is likely to improve pupil outcomes or other relevant outcomes.
 - (ii) Includes ongoing efforts to examine the effects of the activity, program, process, service, strategy, or intervention.
- (i) "Explicit" means direct and deliberate instruction through continuous pupil-teacher interaction that includes explanation, teacher modeling or example, and multiple opportunities to practice with feedback for students to develop mastery.
- (j) "Fidelity" means the extent to which an assessment or intervention is implemented as it was designed.
- (k) "Intervention response team" means a group of individuals with expertise in assessments, literacy, working with English language learners, working with pupils with disabilities, and behavioral efforts who develop individualized plans to support pupils with significant and persistent needs. An intervention response team must include at least 1 certificated teacher who has English as a second language or bilingual education as an endorsement on the teacher's certificate.
- (l) "Leveled text" means text that has characteristics of predictable text and text focused on teaching high-frequency words without regard to sound-symbol associations. Leveled texts are assigned a level based on a difficulty scale according to print features, content, themes, ideas, text structure, language, and literary elements. Leveled text does not provide pupils opportunities to apply newly learned phonological and orthographic knowledge.
- (m) "Multi-tiered system of support (MTSS)" means a comprehensive framework that includes 3 distinct tiers of instructional support and is composed of a collection of evidence-based strategies designed to meet the individual needs and assets of a whole pupil at all achievement levels.
- (n) "Phonemic awareness" means the conscious awareness of all of the following:
- (i) Individual speech sounds, including, but not limited to, consonants and vowels, in spoken syllables.
 - (ii) The ability to consciously manipulate through, including, but not limited to, matching, blending, segmenting, deleting, or substituting, individual speech sounds described in subparagraph (i).
 - (iii) All levels of the speech sound system, including, but not limited to, word boundaries, rhyme recognition, stress patterns, syllables, onset-rime units, and phonemes.
- (o) "Predictable text" means text that replicates language patterns using rhythm and rhyme to teach pupils phrasing and cadence.
- (p) "Progress-monitoring assessment" means an assessment used after a pupil is identified and matched with intervention support to determine if the pupil continues to need intervention, if supports need to be modified or changed, or if supports can be faded.
- (q) "Reading deficiency" means scoring below grade level or being determined to be at risk of not meeting grade-level reading expectations based on a screening assessment, standardized summative assessment, or progress monitoring.
- (r) "Reading leadership team" means a collaborative system led by a school building's principal or program director and consisting of a cross-section of faculty who are interested in working to improve literacy instruction across the curriculum.
- (s) "Reliable" means something that is based on the consistency of a set of scores that are designed to measure the same thing.
- (t) "Science of reading" means a cumulative and evolving body of evidence whose research studies follow a scientific process of inquiry and utilize scientific methods to help answer questions related to reading development and issues related to reading and writing derived from research from multiple fields of cognitive psychology, communication sciences, developmental psychology, education, special education, implementation science, linguistics, and neuroscience.

(u) "Screening assessment" means an assessment designed to proactively identify pupils who may be at risk of developing academic, social, emotional, or behavioral challenges so that support can be provided and to provide data to inform systems-level decisions. All of the following apply to a screening assessment:

(i) A screening assessment must include, as appropriate for grade level or age as determined by the department, in alignment with the guidelines described in subsections (2) and (4), elements designed to identify difficulties in learning to decode and recognize words, including at least all of the following:

- (A) Phonemic awareness.
- (B) Rapid automatized naming.
- (C) Letter-sound correspondence.
- (D) Single-word reading.
- (E) Nonsense-word reading.
- (F) Oral passage reading fluency.

(ii) A screening assessment may include, as appropriate for grade level or age as determined by the department, in alignment with the guidelines described in subsections (2) and (4), elements designed to identify comprehension difficulties, including at least all of the following:

- (A) Retelling.
- (B) Cloze reading procedure.
- (C) Answering questions about a reading passage.

(v) "Standardized assessment" means an assessment that is administered and scored in a consistent or standard manner.

(w) "Structured literacy" means systematic, direct, explicit, cumulative, and diagnostic instruction that integrates listening, speaking, reading, and writing and emphasizes the structure of language across the speech sound system (phonology); the writing system (orthography); the structure of sentences (syntax); the meaningful parts of words (morphology); the meaning of words, phrases, sentences, and text (semantics); and the processing of oral and written discourse.

(x) "Systematic" means following the logical order of language and moving from the most basic concepts to the more advanced.

(y) "Valid" means the degree to which a method assesses what it claims or intends to assess.

History: Add. 2016, Act 306, Imd. Eff. Oct. 6, 2016 ;-- Am. 2023, Act 7, Eff. Feb. 13, 2024 ;-- Am. 2023, Act 224, Eff. July 1, 2024 ;-- Am. 2024, Act 146, Imd. Eff. Oct. 10, 2024

Popular Name: Act 451